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10/563,396	10/19/2007	Kianoush Namvar	052436/306036	3013

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EXAMINER

SAINT CYR, JEAN D

ART UNIT	PAPER NUMBER
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2425

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/563,396	Applicant(s) NAMVAR, KIANOUSH	
	Examiner JEAN D. SAINT CYR	Art Unit 2425	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION
35 U.S.C. 101 Rejection

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 21-22 are rejected under 35 U.S.C. 101 because they are related to non-statutory category.

The claimed invention is directed to non-statutory subject matter. Claim 21 defines a program per se. Claim 22 defines a set of instructions on a computer readable medium where the computer readable medium could be a carrier wave.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al in view of Stettner et al, US No. 20020104090.

Re claim 1, Zigmond et al disclose a system for transmitting signals to a plurality of subscriber receivers (see fig.7), wherein each signal represents a type of information belonging to a particular contents category (at least some identifying characteristics of the viewer, the content of the video programming, the geographical location of the household, or other factors, are compiled and are used in combination with designated

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ad selection criteria in order to select for display an appropriate advertisement, paragraph 22) comprising:

a central management server adapted to receive administrative instructions pertaining to the transmission of the signals to the subscriber receivers , and in response to the administrative instructions organize signals from a number of signal before transmission thereof to the subscriber receivers (see fig.7, satellite service provider),

a transmission unit adapted to receive the signals and, in accordance with an organization scheme produced by the central management server transmit these signals to the subscriber receivers (see fig.7), the organization scheme specifies, for each signal to be transmitted, a transmission resource a time instance and a contents category, wherein the contents category for at least one segment of the signal determines which sub-segment that will be presented in which subscriber receiver (The advertisements to be shown to a viewer according to the invention are selected according to designated criteria in combination with information that characterizes the viewer, col.6, lines 6-8).

But Zigmond did not explicitly disclose at least one client computer-each having an interface towards the central management server and being adapted to produce administrative instructions for organizing a sub-set of the signals to be transmitted via the central management server.

However, Stettner et al disclose the local studio 106 can insert additional programming content or advertisements, and feed the television signal back to the cable service provider 108. The cable service provider 108 then delivers the television signal over a cable network 134 to cable subscribers, 0023.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the system of Zigmond with the system of Stettner for the purpose of allowing a computer system to insert additional data to the stream before transmission.

Re claim 2, Zigmond et al disclose wherein the transmission unit is adapted to transmit the signals via a central signal distribution system (see fig.7).

Re claim 3, Zigmond wherein each of the subscriber receivers comprises an interpreting unit having a user specific key representing a profile category of at least one user associated with the subscriber receiver, the interpreting unit being adapted to control the reception of a signal such that the key in combination with a piece of contents category information received with respect to a segment control the subscriber receiver to present a predetermined sub-segment transmitted via a particular transmission resource (because many households include more than one viewer, the home entertainment system and the methods of the invention optionally include means for identifying the viewer. In one example, the means for identifying the viewer includes a login screen or protocol, which requires the viewer or viewers to identify themselves each time video programming is watched, paragraph 21).

Re claim 4, Zigmond et al disclose wherein comprises a return channel from at least one particular subscriber receiver of the subscriber receivers adapted to forward activity-monitoring information pertaining to signals having been presented in the particular subscriber receiver to the central management server, and the central management server is adapted to generate a compiled data set representing the activity-monitoring information (see fig.6, report user statistic; the invention allows potentially valuable viewer feedback to be compiled. The viewer response information may allow the advertisers to further modify the content of their advertisements or to change the advertisement selection criteria so as to communicate more effectively to

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viewers. This can be done by extending the system to include an automatic feedback loop that selects ads based on rules set by the advertiser, Paragraph 24).

Re claim 5, Zigmond did not explicitly disclose wherein at least one client computer comprises a means for manually entering activity-monitoring information pertaining to signals having been presented in one or more subscriber receivers and based thereon produce a compiled data set representing the activity-monitoring information.

However, Stettner et al disclose wherein at least one client computer comprises a means for manually entering activity-monitoring information pertaining to signals having been presented in one or more subscriber receivers and based thereon produce a compiled data set representing the activity-monitoring information (If the customer is viewing the interactive advertisement 402 on a PC, then a mouse or other pointing device may be used to activate the indicator 404 or other element of the interactive advertisement indicative of a customer response. The set top box 152 or the PC then communicates the customer's response to a head-end or distribution center, a server, or other network component of the advertising service, 0055).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the system of Zigmond with the system of Stettner for the purpose of allowing the remote server to receive monitoring information manually.

Re claim 6, Zigmond et al did not explicitly disclose wherein at least one of the at least one client computer is adapted to receive the compiled data set from the central management server and produce the administrative instructions on basis thereof.

However, Stettner et al disclose a reverse channel from the cable service provider 108 to the local studio 106 is provided so that the local studio 106 can insert additional

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programming content or advertisements, and feed the television signal back to the cable service provider 108. The cable service provider 108 then delivers the television signal over a cable network 134 to cable subscribers, 0023.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the system of Zigmond with the system of Stettner for the benefit of allowing the local studio to enter data according to information that it receives from the provider.

Re claim 7, wherein it comprises at least one billing unit adapted to produce billing information pertaining to a respective utilization of the transmission resources administrated by the central management server (the ad selection criteria 83 may be modified in response to, for example, increased subscription fees from the viewer in order to allow the viewer to forego advertisements altogether, paragraph 43; that means there is billing).

Re claim 8, Zigmond et al disclose wherein it comprises at least one auxiliary distribution channel adapted to transmit signals to the subscriber receivers outside the central management server (see fig.8, where the internet service provider can transmit data to subscribers without dealing with the management server of the cable provider).

Re claim 9, Zigmond et al disclose wherein the at least one auxiliary distribution channel includes at least one distribution resource in addition to the central signal distribution system (see fig.8 where ISP uses different distribution resource path to transmit data to subscribers).

Re claim 10, Zigmond et al disclose wherein the signals represent at least one of text information, acoustic information, image information and video information (a school could transmit and display computer-generated text to viewers within the school boundaries in order to inform parents of school events or policies, paragraph 18).

Re claim 11, wherein at least one of the subscriber receivers is represented by at least one of a TV-tuner, a satellite signal decoder, a computer and a broadband mobile communication terminal (see fig.8).

Claims 12-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zigmond et al in view of Stettner further in view of Holtz, US No. 6760916.

Re claim 12, Zigmond et al disclose a central management server adapted to receive administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organize signals from a number of signal sources before transmission thereof to the subscriber receivers(see fig.7, satellite service provider),

a transmission unit adapted to receive the signals and, in accordance with an organization scheme produced by the central management server transmit these signals to the subscriber receivers (see fig.7), the organization scheme specifies, for each signal to be transmitted, a transmission resource a time instance and a contents category, wherein the contents category for at least one segment of the signal determines which sub-segment that will be presented in which subscriber receiver(The advertisements to be shown to a viewer according to the invention are selected according to designated criteria in combination with information that characterizes the viewer, col.6, lines 6-8);

But Zigmond did not explicitly disclose at least one client computer each having an interface towards the central management server and being adapted to produce administrative instructions for organizing a sub-set of the signals to be transmitted via the central management server.

However, Stettner et al disclose the local studio 106 can insert additional programming content or advertisements, and feed the television signal back to the cable service provider 108. The cable service provider 108 then delivers the television signal over a cable network 134 to cable subscribers, 0023.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the system of Zigmond with the system of Stettner for the purpose of allowing a computer system to insert additional data to the stream before transmission.

Zigmond in view of Stettner did not explicitly disclose a graphical user interface adapted to present a time relationship between different signals to be transmitted on at least one channel over which the client computer has a management control.

However, Holtz et al disclose a graphical user interface adapted to present a time relationship between different signals to be transmitted on at least one channel over which the client computer has a management control (The client includes a graphical user interface that permits the user to select various options to customize the transmission or request a standard program. For example, the user has the option of selecting a live or prerecorded news program to be transmitted, paragraph 18).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce graphical user interface into the system of Zigmond in view of Stettner for the purpose of allowing the system to present time relationship between different signals to be transmitted.

Re claim 13, Zigmond et al did not explicitly disclose wherein the graphical user interface comprises a first graphical means adapted to, for each of the signals to be transmitted on the at least one channel, present the signal's contents category, and a second graphical means adapted to, for at least a sub-set of the signals to be

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transmitted on the at least one channel enable a user to manipulate segments of each signal such that a particular sub-segment will be presented in each subscriber receiver of the subscriber receivers which has a profile category matching a contents category associated with the particular sub-segment.

However, Holtz et al disclose wherein the graphical user interface comprises a first graphical means adapted to, for each of the signals to be transmitted on the at least one channel, present the signal's contents category, and a second graphical means adapted to, for at least a sub-set of the signals to be transmitted on the at least one channel enable a user to manipulate segments of each signal such that a particular sub-segment will be presented in each subscriber receiver of the subscriber receivers which has a profile category matching a contents category associated with the particular sub-segment(see fig.6 where the users can manipulate the graphical user interface to customize programs).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce graphical user interface into the system of Zigmond in view of Stettner for the purpose of allowing users to manipulate GUI in order to customize programs.

Re claim 14, Zigmond et al did not disclose wherein the graphical user interface comprises a third graphical means adapted to, for at least a sub-set of the signals to be transmitted on the at least one channel enable the user to select a suitable sub-segment for each of a number of profile categories for a segment of a signal.

However, Holtz et al disclose wherein the graphical user interface comprises a third graphical means adapted to, for at least a sub-set of the signals to be transmitted on the at least one channel enable the user to select a suitable sub-segment for each of a number of profile categories for a segment of a signal (see fig.6 where the users are able to select sport and choose NFL football).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce graphical user interface into the system of Zigmond in view of Stettner for the purpose of allowing users to manipulate GUI in order to customize programs.

Re claim 15, Zigmond et al did not explicitly disclose wherein the third graphical means comprises a selection means adapted to enable the user to, for each sub-segment select a profile category, wherein a default profile category is based on a compiled data set formed on basis of activity-monitoring information pertaining to signals having been presented in the subscriber receivers.

However, Holtz et al disclose wherein the third graphical means comprises a selection means adapted to enable the user to, for each sub-segment select a profile category, wherein a default profile category is based on a compiled data set formed on basis of activity-monitoring information pertaining to signals having been presented in the subscriber receivers (each time enhanced media server 115 is accessed, data is captured and stored to develop a profile of the user, paragraph 35; that means there is a process of monitoring activities).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce graphical user interface into the system of Zigmond in view of Stettner for the purpose of allowing users to receive content with respect to their profile.

Re claim 16, Zigmond et al did not explicitly disclose wherein the third graphical means comprises a selection means adapted to allow the user to, for each sub-segment select a geographical area within which subscriber receivers will present the sub-segment, wherein a default geographical area is based on positional information pertaining to signals having been presented in the subscriber receivers.

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However, Holtz et al disclose wherein the third graphical means comprises a selection means adapted to allow the user to, for each sub-segment select a geographical area within which subscriber receivers will present the sub segment, wherein a default geographical area is based on positional information pertaining to signals having been presented in the subscriber receivers (the user has indicated to the portal that he wants segments from the Iowa and Nebraska local stations first. He also indicates that he wants segments from the Creighton college webcast station, paragraph 59).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce graphical user interface into the system of Zigmond in view of Stettner for the purpose of allowing users to receive content with respect to the location of the information.

Re claim 17, Zigmond et al did not explicitly disclose wherein the third graphical means comprises a selection means adapted to enable the user to, for each sub-segment select a priority level denoting a relative position of the sub-segment within a particular segment.

However, Holtz et al disclose wherein the third graphical means comprises a selection means adapted to enable the user to, for each sub-segment select a priority level denoting a relative position of the sub-segment within a particular segment (a user can select, for example, the type of news stories (i.e., lead story, special reports, college football, local weather, traffic, stock market, and the like), and the priority or sequencing of the news stories, paragraph 156).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce graphical user interface into the system of Zigmond in view of Stettner for the purpose of allowing users to receive content with respect to the priority level.

Re claim 18, Zigmond et al did not explicitly disclose a compiler adapted to produce a preliminary organization of the signals on the at least one channel before transmitting corresponding administrative instructions to the central management server.

However, Stettner et al disclose the local studio 106 can insert additional programming content or advertisements, and feed the television signal back to the cable service provider 108. The cable service provider 108 then delivers the television signal over a cable network 134 to cable subscribers, 0023.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the system of Zigmond with the system of Stettner for the purpose of allowing a computer system to insert additional data to the stream before transmission.

Re claim 19, Zigmond et al did not explicitly disclose wherein characterized that the graphical user interface comprises a fourth graphical means adapted to enable a user to manipulate the preliminary organization of the signals, and client computer comprises processing means adapted to, based on the user manipulations, produce administrative instructions to the central management server.

However, Stettner et al disclose a reverse channel from the cable service provider 108 to the local studio 106 is provided so that the local studio 106 can insert additional programming content or advertisements, and feed the television signal back to the cable service provider 108. The cable service provider 108 then delivers the television signal over a cable network 134 to cable subscribers, 0023.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the system of Zigmond with the system of Stettner

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for the benefit of allowing the local studio to enter data according to information that it receives from the provider.

And Holtz et al disclose wherein characterized that the graphical user interface comprises a fourth graphical means adapted to enable a user to manipulate the preliminary organization of the signals (see fig.6 where the users are able to select sport and choose NFL football).

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce graphical user interface into the system of Zigmond in view of Stettner, as taught by Holtz, for the purpose of allowing users to manipulate GUI in order to customize programs.

Re claim 20, Zigmond et al disclose wherein the signals represent at least one of text information, acoustic information, image information and video information (a school could transmit and display computer-generated text to viewers within the school boundaries in order to inform parents of school events or policies, paragraph 18).

Re claim 21, Zigmond et al disclose first instruction means for receiving administrative instructions pertaining to the transmission of the signals to the subscriber receivers, and in response to the administrative instructions organizing signals from a number of signal sources before transmission thereof to the subscriber receivers(The advertisements to be shown to a viewer according to the invention are selected according to designated criteria in combination with information that characterizes the viewer, col.6, lines 6-8),

third computer instruction means for receiving the signals and, in accordance with an organization scheme, transmitting these signals to the subscriber receivers, the organization scheme specifies, for each signal to be transmitted, a transmission

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resource, a time instance and a contents category, wherein the contents category for at least one segment of the signal determines which sub-segment that will be presented in which subscriber receiver (see fig.7, satellite service provider), and

But Zigmond et al did not disclose second computer instructions means for producing administrative instructions for organizing a sub-set of the signals to be transmitted.

However, Stettner et al disclose the local studio 106 can insert additional programming content or advertisements, and feed the television signal back to the cable service provider 108. The cable service provider 108 then delivers the television signal over a cable network 134 to cable subscribers, 0023.

It would have been obvious for any person of ordinary skill in the art at that time the invention was made to combine the system of Zigmond with the system of Stettner for the purpose of allowing a computer system to insert additional data to the stream before transmission.

And Zigmond et al did not disclose fourth computer instruction means for controlling a graphical user interface to present a time relationship between different signals to be transmitted on at least one channel over which the computer program has a management control.

However, Holtz et al disclose a graphical user interface adapted to present a time relationship between different signals to be transmitted on at least one channel over which the client computer has a management control (The client includes a graphical user interface that permits the user to select various options to customize the transmission or request a standard program. For example, the user has the option of selecting a live or prerecorded news program to be transmitted, paragraph 18).

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It would have been obvious for any person of ordinary skill in the art at that time the invention was made to introduce graphical user interface into the system of Zigmond in view of Stettner for the purpose of allowing the system to present time relationship between different signals to be transmitted.

Re claim 22, see rejection on claim 21.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean Duclos Saintcyr whose phone number is 571-270-3224. The examiner can normally reach on M-F 7:30-5:00 PM EST. If attempts to reach the examiner by telephone are not successful, his supervisor, Brian Pendleton, can be reached on 571-272-7527. The fax number for the organization where the application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, dial 800-786-9199(IN USA OR CANADA) or 571-272-1000.

/Brian T. Pendleton/

Supervisory Patent Examiner, Art Unit 2425